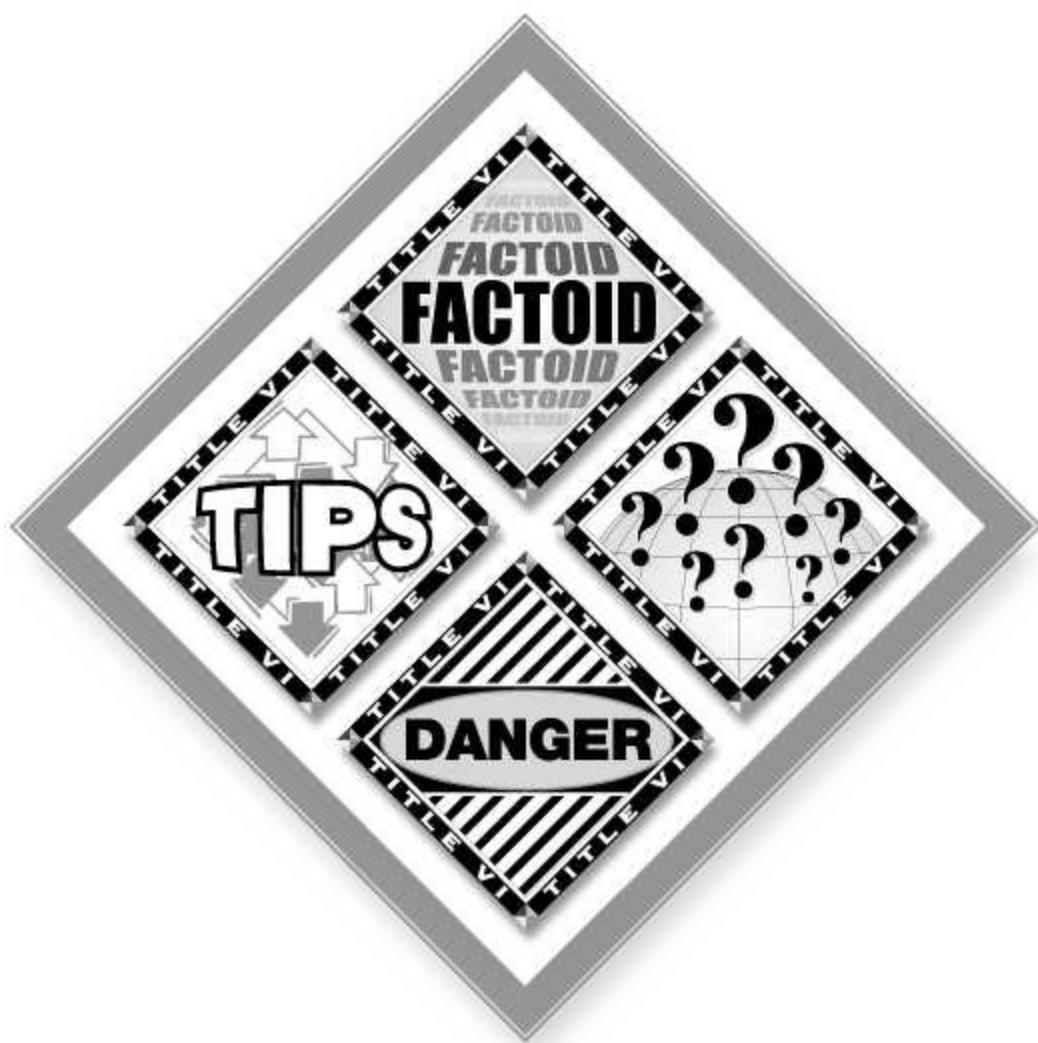


# TITLE VI

for Local Coordinators



*A user-friendly supplement to help ensure Title VI compliance  
in the day-to-day operation of your agency*

Tennessee Department of Mental Health and  
Developmental Disabilities

# Table of Contents

<b>Intro: How to Use This Book.....</b>	<b>3</b>
How This Book Is Organized.....	4
Part 1: Title VI Basics.....	4
Part 2: Title VI For Agencies.....	4
Part 3: Title VI Monitoring.....	4
Part 4: Title VI Complaints.....	4
Part 5: Title VI Resources.....	4
What The Little Pictures Mean.....	5
<b>Part 1: Title VI Basics.....</b>	<b>6</b>
History of the Civil Rights Movement.....	7
What Exactly is Title VI?.....	9
Does Tennessee Law Say Anything About Title VI?...	10
What Has TDMHDD Done To Comply With Title VI?...	11
<b>Part 2: Title VI For Agencies.....</b>	<b>13</b>
What Agencies Are Required To Do.....	
For Service Recipients?.....	14
Regarding Policy & Procedures?.....	15
Regarding Citizenship Issues?.....	16
Regarding Language Issues?.....	17
For Employees?.....	19
What Kinds of Actions Are Discriminatory?.....	20
<b>Part 3: Title VI Monitoring.....</b>	<b>21</b>
What is Title VI monitoring?.....	22
TDMHDD's Title VI Self-Survey .....	23
<b>Part 4: Title VI Complaints.....</b>	<b>27</b>
Who Can File Title VI Complaints?.....	28
Where Can Title VI Complaints Be Filed?.....	28
What Special Forms Are Needed?.....	29
What If I Get A Title VI complaint?.....	34
Who Investigates Title VI Complaints?.....	35
What If My Agency Is Found In Violation of Title VI?.....	36
<b>Part 5: Technical Assistance.....</b>	<b>37</b>
<b>Part 6: Title VI Resources.....</b>	<b>39</b>

## *How to Use This Book*

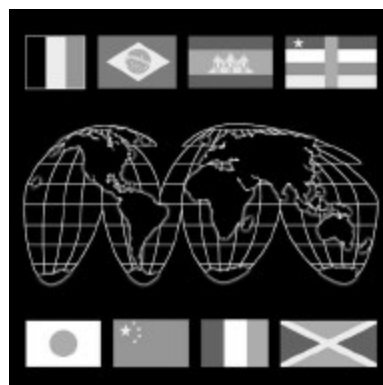
---

The goal for ***Title VI for Local Coordinators*** is to provide a quick reference tool that is user-friendly, with clear-cut, step-by-step instructions and easy-to-follow advice.

***Title VI for Local Coordinators*** will familiarize new coordinators with the basics of Title VI compliance, monitoring requirements, complaint procedures, emerging issues, and other resources.

***Title VI for Local Coordinators*** is a user-friendly supplement to help ensure Title VI compliance in the day-to-day operation of your agency.

It is our hope that Local Coordinators will find this booklet a valuable resource, and use it often.



## ***How This Book Is Organized***

Even though Title VI is only one part of the Civil Rights Act of 1964, it requires a great deal from agencies that receive Federal assistance. Learning about the rights and responsibilities associated with the law can be an intimidating task. The basic principles of the law, agency requirements, monitoring, and dealing with complaints are important issues. Each of these major topics has a part of its own. The final part lists additional resources for future consultation.

### ***Part 1: Title VI Basics***

Part 1 starts with basic information about the Federal law. It also includes the Tennessee legislation that specifies the rights and responsibilities of the Tennessee Department of Mental Health & Developmental Disabilities (TDMHDD). There is specific information about how TDMHDD complies with the law.

### ***Part 2: Title VI For Agencies***

When agencies contract with TDMHDD, they take on certain obligations regarding Title VI. Part 2 explains exactly what those obligations are and how to meet them.

### ***Part 3: Title VI Monitoring***

TDMHDD is required by state law to monitor recipients of Federal assistance for compliance with Title VI. This section helps local coordinators know what to expect when an agency is monitored.

### ***Part 4: Title VI Complaints***

The complaint process provides a method for service recipients to voice concerns about possible discrimination on the basis of race, color or national origin. Part 4 explains the complaint system. All the necessary forms are included.

### ***Part 5: Technical Assistance***

TDMHDD is available to provide assistance with needs assessments, complaints, and training. Part 5 explains how to access our services.

### ***Part 6: Title VI Resources***

Fortunately, there are many resources available to provide more information about Title VI. Part 5 lists these sources and their contact information.

## ***What the Little Pictures Mean***

Little pictures called *icons* appear throughout this book. These icons help Local Coordinators pinpoint helpful information. Here's what the icons in this book mean:



“Factoids” are the very basic tidbits of information that every Local Coordinator should know. These fundamentals are represented by this icon.



This icon flags helpful hints to assist Local Coordinators in their day-to-day compliance efforts.



There are certain questions that the TDMHDD Departmental Coordinator hears over and over again. These common questions are highlighted by this icon.



This icon signals dangerous areas where Local Coordinators can slip up in their day-to-day compliance efforts.

## ***Get Going!***

Now when you're stuck, you know where to turn – the *Title VI For Local Coordinators Guide Book*. Of course, the TDMHDD Departmental Coordinator is always available if you need more assistance. **Call us at 1-800-560-5767.**

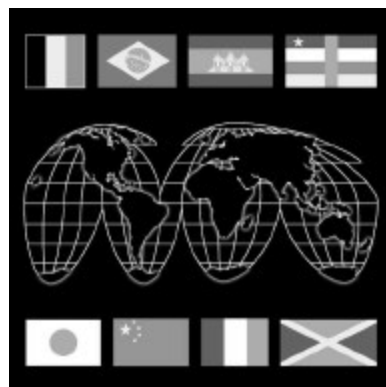
## ***Title VI Basics***

---

Title VI is just one part of the Civil Rights Act of 1964. Title VI prevents agencies that receive money or other assistance from the federal government from treating people unfairly because of their race, color, or national origin.

### ***In this part...***

- ✓ **History of the Civil Rights Movement**
- ✓ **What exactly is Title VI?**
- ✓ **Does Tennessee law say anything about Title VI?**
- ✓ **What has the Tennessee Department of Mental Health and Developmental Disabilities done to comply with Title VI?**



## ***History of the Civil Rights Movement***

The concepts of freedom and equality have drawn people from all over the world to the United States. The Civil Rights Movement has been joined by many kinds of people – women, people with disabilities, people of different sexual orientations and religions. Since the Civil War, many civil rights efforts have focused on making sure African Americans are given the specific rights guaranteed in the Constitution. Today, the racial and ethnic concerns are much broader and continue to grow as America becomes increasingly more diverse. Below are some major highlights in the civil rights movement.

**1857** -In February, the Supreme Court heard a case called *Scott v. Sandford*. Dred Scott lost his suit for freedom when the Court ruled that he remain a slave even though he had lived in a “free” state.

**1861** – Civil War erupts.

**1862** - Abraham Lincoln issued the Emancipation Proclamation, declaring all slaves free.

**1865** – The Thirteenth Amendment to the Constitution abolishes slavery.

**1866** - The Civil Rights Act of 1866 granted African Americans equal rights to contract, to sue and be sued, to marry, travel, and own property. It made all citizens subject to “like punishment, pains, and penalties” . Any person guilty of depriving citizens of their stated rights because of race, color, or previous condition of servitude could be fined, imprisoned, or both.

**1867** - The Reconstruction Act of 1867 allowed former slaves to participate fully in the political arena. As a result, African Americans sat in constitutional conventions, helped draft state constitutions, and supported new comprehensive programs for state education in the South.

**1868** - The 14<sup>th</sup> amendment to the Constitution declared that all persons born or naturalized in the United States are American citizens and citizens of their state of residence. Section 1 of the amendment forbids the states to deprive any person of life, liberty, or property without due process of law. When the 14<sup>th</sup> amendment was passed, the effect of the Dred Scott Case was overcome.

**1870** - The Enforcement Act of 1870 stated that all citizens otherwise qualified to vote in any election should not be denied the vote because of

race. States could set up prerequisites for voting, but all persons were to have equal access to the vote.

**1871** - The Civil Rights Act of 1871 set up a system of federal supervision of elections within the states in order to stop illegal voter registration practices.

**1950** - The Supreme Court ruled that the University of Texas must admit an African American, Herman Sweatt, to the law school. They said that the state did not provide equal education for him.

**1954** - The Supreme Court heard a case called *Brown v. the Board of Education*. The Court ruled that all segregation in public schools is “inherently unequal” and that all African Americans barred from attending public schools with white students were denied equal protection under the law as guaranteed by the 14<sup>th</sup> Amendment. In 1955, the Court declared that the federal district courts would have jurisdiction over lawsuits to enforce the desegregation decision. In 1956, the law was extended to state-supported colleges and universities.

**1955** - On the evening of December 1, Rosa Parks was arrested for disobeying an Alabama law requiring African American passengers to relinquish seats to white passengers when the bus was full. Her arrest sparked a 381-day boycott of the Montgomery bus system and led to a 1956 Supreme Court decision banning segregation on public transportation.

**1960** - College students staged sit-ins at segregated lunch counters in Greensboro, NC, Nashville, TN, and other cities. Thousands of young people became involved in the direct action, non-violent protests.

**1961** - Freedom Riders, started a campaign to force integration in bus terminals and challenge segregation in local interstate travel facilities. These protests led to an Interstate Commerce Commission ban on segregation in all interstate transportation facilities. The interstate travel issue was important because it provided the link to federally assisted programs.

**1964** – On July 2, Lyndon B. Johnson signed the Civil Rights Act of 1964, the most comprehensive civil-rights act to date. The Civil Rights Act of 1964 specifically prohibited discrimination in voting, education, and the use of public facilities. Title VI of the act barred the use of federal funds for segregated programs and schools.



## ***What Exactly is Title VI?***

Title VI deals with nondiscrimination in federally assisted programs. It covers all forms of federal assistance except contracts of insurance and guaranty.

Title VI does not cover employment, unless

**P** employment practices result in discrimination against people who receive benefits from the program or

**P** the purpose of the federal assistance is to provide employment.

Title VI says:

**“No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”**

*42 U.S.C. §2000d*

Title VI is available online at:

<http://www4.law.cornell.edu/uscode/42/2000d.html>

Simply stated, all persons must be treated equally without regard to their race, color, or national origin. People may not be

- ✓ excluded from participating in,
- ✓ denied the benefits of, or
- ✓ discriminated against in the programs, services, or activities of an agency receiving federal financial assistance.

In addition, agencies receiving assistance must make sure that its policies and practices do not have the effect of discriminating against people because of their race, color, or national origin.



Title VI covers both intentional acts and other policies and actions that have an adverse impact based on race, color or national origin.

## ***What Does Tennessee Law Say About Title VI?***

On May 31, 1993, the General Assembly of Tennessee signed into law Public Chapter 502.

### *Tennessee Code*

4-21-901. Development of plan - Annual reports.

“ Each state governmental entity subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and regulations promulgated pursuant thereto, shall develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include Title VI implementation plans of any subrecipients of federal funds through the state entity. Each such state governmental entity shall submit annual Title VI compliance reports and implementation plan updates to the department of audit by June 30, 1994, and each June 30 thereafter. At least once each year, the department shall publish a cumulative report of its findings and recommendations concerning compliance with the requirements of this section. The cumulative annual report shall be distributed to the governor, to each member of the general assembly, and to each library designated as a depository of state reports and documents.”

[Acts 1993, ch. 502, § 1.]

Tennessee Codes can be viewed online at:  
<http://www.lexislawpublishing.com/Resources/>



President Lyndon B. Johnson signed the Civil Rights Act of 1964.

## ***What Has TDMHDD Done to Comply?***

The Department of Mental Health and Developmental Disabilities has developed policies and procedures to make sure that it measures up to its responsibilities under Title VI. These policies and procedures apply to all the Department's programs. This includes developmental centers, mental health institutes, alcohol and drug abuse services, and community programs because these programs receive money from the State and/or Federal government.

### ***TDMHDD Responsibilities***

The Commissioner of TDMHDD appoints a Title VI Task Force within the central office of the Department. Members represent the main divisions within the Department and persons of diverse racial and ethnic cultures who are providers, service recipients, family members of service recipients, and a representative from other ethnic minorities. The Task Force addresses general compliance problems and complaints filed.

TDMHDD has a Title VI Coordinator who conducts training, distributes supplies, and reviews complaints.

The TDMHDD Title VI Coordinator must report to the Commissioner and the Governor, to each member of the General Assembly, and to each library designated as a depository of state reports and documents every year. The report must include monitoring activities and complaint processing.

TDMHDD also uses the Service Provider Registry System (SPRS). The SPRS provides disadvantaged, minority, and small businesses and non-profit organizations with increased opportunity to do business with TDMHDD.

TDMHDD has adopted a statement of nondiscrimination that appears on most of its publications.

“Pursuant to the State of Tennessee's policy of nondiscrimination, the Department of Mental Health and Developmental Disabilities does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities.”

Some publications, like newsletters or flyers, carry a shorter statement of nondiscrimination.

TDMHDD requires a statement of Title VI compliance from agencies before contracts (or other agreements) that involve care, services, or other benefits of persons served by the Department are entered into. **All agencies that contract with TDMHDD must comply with Title VI.**

### ***TDMHDD Personnel Actions***

New employees of TDMHDD receive orientation within seven (7) calendar days of beginning employment. This orientation includes the employee's obligations and rights involved in the Title VI program.

In-service training programs continually apprise TDMHDD employees of their responsibility to provide high quality services, regardless of the service recipient's race, color, national origin, or ability to speak English.

TDMHDD employees are disciplined when found guilty of any discriminatory practice based on Title VI. Depending upon the degree of discrimination, the employee is subject to progressive discipline. A verbal reprimand may be given for the first offense. A written reprimand may be placed in the employee's personnel file for the second offense. Suspension without pay (for one day up to as many as thirty (30) days, depending on the violation) may be issued for the third offense. A fourth offense should be considered grounds for dismissal.



A person with a Title VI complaint can file that complaint at one of three levels: Local, Departmental, or Federal.

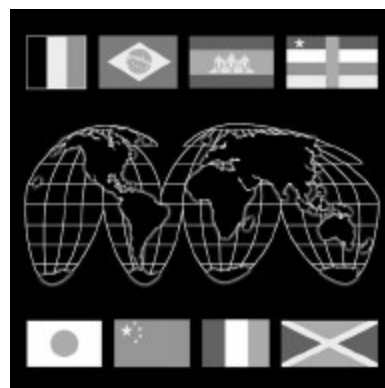
## ***Title VI for Agencies***

---

Because your agency has a contract with the Tennessee Department of Mental Health and Developmental Disabilities, it is required to comply with Title VI. If an agency does not comply, it will lose its contract. It is important for each person to understand his role in obeying the law.

### ***In this part...***

- ✓ **What must agencies do for service recipients?**
- ✓ **What must agencies do regarding policies and procedures?**
- ✓ **What must agencies do regarding citizenship issues?**
- ✓ **What must agencies do regarding language issues?**
- ✓ **What must agencies do for their employees?**
- ✓ **What are discriminatory practices?**



## ***What Are Agencies Required To Do For Service Recipients?***

Agencies must ensure that service recipients receive equal treatment, equal access, equal rights, and equal opportunities without regard to their race, color, national origin or Limited English Proficiency (LEP).

1. Agencies must inform service recipients of their protection under Title VI at least once every year. This must be documented in a regular and systemic manner.
2. Agencies must ensure that service recipients know who the Local Coordinator is and how to reach him/her.
3. Agencies must ensure that service recipients know how to file a Title VI complaint.
4. Agencies must display Title VI posters prominently.
5. Agencies must make physical areas available to all service recipients without regard to race, color, national origin or Limited English Proficiency.
6. Agencies must ensure that service recipients are addressed in a consistent manner, without regard to race, color, national origin or Limited English Proficiency.
7. Agencies that provide residential services must ensure that room assignments and transfers are made without regard to race, color, national origin or Limited English Proficiency.
8. Agencies must ensure that service recipients who do not speak English well know that free interpretation is available to them.



A good starting point for Local Coordinators to address LEP issues, is to refer to recent census data. Look for information specific to your geographic service area (not to be confused with your client base) for information about local demographics. How many languages are spoken in your area? Do any service recipients speak other languages? Once you learn about the needs in your area, you can begin to draft policies and procedures to meet those needs.

## ***Policies and Procedures***

Agencies that contract with TDMHDD have certain obligations.

1. Agencies must conduct business in ways that comply with Title VI.
2. If the agency's geographic service area has a minority population of at least 5%, the agency's advisory board must reflect this diversity.
3. All physical facilities and physical areas must be made available to everyone without regard to race, color, national origin or Limited English Proficiency.
4. Agencies must develop written policies and procedures regarding Title VI, including written policies regarding persons with Limited English Proficiency. Policies should specify how the needs of persons with Limited English Proficiency are to be assessed, how persons with Limited English Proficiency are to be served and how interpreter services will be provided.
5. Agencies must name an employee to serve as the Local Title VI Coordinator.
6. Agencies must ensure that its contracts with other agencies include the formal Title VI "Statement of Compliance" clause.
7. Agencies must ensure that vendors, subcontractors, and other parties that contract with the agency are clearly informed about their own responsibilities under Title VI standards.
8. The Title VI Policy must include a written statement regarding the use of courtesy titles (Mr., Mrs., Ms., and Miss) without regard to race, color, national origin, or Limited English Proficiency in both oral and written communications.
9. Agencies must develop and implement progressive disciplinary measures for employees who are found in violation of Title VI.
10. Agencies must hold annual employee in-services regarding Title VI.
11. Agencies must ensure that Title VI posters are prominently displayed and used to emphasize the Title VI program and complaint opportunities.
12. The Title VI Policy must include a written procedure for hearing and reviewing Title VI complaints.
13. Agencies must maintain records regarding all alleged cases of discrimination.



**Q:** *My agency staff addresses all service recipients on a first-name basis. Is this O.K.?*

**A:** *Yes - as long as your agency has a **written policy** stating that **all** service recipients are addressed on a first-name basis, without regard to race, color, ethnic origin, or Limited English Proficiency.*

## ***What Are Agencies Required To Do About Citizenship Issues?***

Title VI deals only with discrimination on the basis of race, color, and national origin from agencies that receive federal funds. When national origin is discussed, questions about citizenship and language naturally follow.

**Services that are necessary for the protection of life and safety must be provided to everyone.** Mental health crisis services are a good example. Title VI becomes an issue when agencies ask for identifying information when providing crisis services. Fear of being reported to the Immigration and Naturalization Service is so great that it often prevents non-citizens from accessing services to which they are otherwise entitled.



When a person requests mental health crisis services, the person should not be asked for a Social Security Number. Agencies may not deny services necessary for the protection of life and safety because an individual does not provide a Social Security Number.

If your agency offers routine mental health or substance abuse services that are **non-Medicaid funded**, these services must be provided to everyone, without regard to immigration status. Your agency should not attempt to verify an applicant's status, unless otherwise required to do so by law, because all aliens, regardless of their immigration status, are eligible for such benefits.



A good example of routine non-Medicaid funded services is when agencies offer services on a sliding-fee scale to persons without insurance.



Title VI only protects persons in services that are federally funded.



## *What Are Agencies Required To Do About Language Issues?*

On January 29, 1998, the United States Department of Health and Human Services issued a guidance memorandum called “ Title VI Prohibition Against National Origin Discrimination – Persons with Limited English Proficiency” . This guidance addresses language assistance that may be required for effective communication between service providers that receive federal funds and their potential service recipients. Pursuant to Title VI, language assistance is appropriate where language barriers cause persons of Limited English Proficiency to be excluded from or denied equal access to federally funded programs.

The U.S. Department of Justice and the U.S. Department of Health and Human Services have consistently required agencies that receive federal funds to provide language assistance to persons of Limited English Proficiency in those instances where language barriers have had the effect of discriminating on the basis of national origin.

These policies do not mean that agencies must provide services to persons because they are not proficient in English. These policies ensure equal access to the application process, so that eligibility or ineligibility can be subsequently established.



The key to ensuring access is to ensure effective communication. The potential service recipient should be given information in a format he/she can understand about the services that can be provided and must be able to communicate his/her situation to the service provider.



Achieving effective communication with persons of Limited English Proficiency is the responsibility of the agency receiving federal financial assistance, and must not place cost or burden on the person with Limited English Proficiency. Persons of Limited English Proficiency cannot be required to use friends or family members as interpreters.

Friends and family members can be used as interpreters if requested by the person of Limited English Proficiency **if**:

- 1) the effectiveness of the service provided is not compromised, **and**
- 2) the confidentiality of the person of Limited English Proficiency is not violated, **and**
- 3) the person of Limited English Proficiency is advised that a free interpreter is available.



**Q:** *How can my agency achieve effective communication with persons who do not speak English well?*

**A:** *Your agency may need to take one or more of the following steps. These should place no cost or additional burden on the service recipient.*

1. Have a procedure for identifying the needs of service recipients.
2. Have ready access to capable interpreters during hours of operation.
3. Consider contracting with another agency for interpreter services.
4. Use a telephone interpreter service.
5. Hire bilingual staff or recruit bilingual volunteers.
6. Make sure your staff knows about your policies regarding interpreter services, and how to access interpreters in a timely manner.



**Q:** *My agency serves a small, rural area. We only serve a few people who speak English as a second language. Are we required to have a full-time interpreter?*

**A:** *Each recipient of federal financial assistance must take reasonable steps to provide meaningful access to Persons with Limited English Proficiency. Among the factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are:*

1. *the number or proportion of Persons with Limited English Proficiency in the eligible service population;*
2. *the frequency with which Persons with Limited English Proficiency come into contact with the program;*
3. *the importance of the service provided by the program; and*
4. *the resources available to the agency receiving federal financial assistance.*

## ***What Are Agencies Required To Do For Employees?***

Title VI requires employees of agencies receiving federal financial assistance to comply with the law. TDMHDD requires its contractors to:

1. Inform employees of their responsibilities under Title VI **and** the penalties for noncompliance within the first sixty (60) days of employment. This orientation must be documented in the employee's personnel file.
2. Conduct annual training programs to reinforce awareness of the employee's responsibilities under Title VI **and** the penalties for noncompliance. This training must be documented in the employee's personnel file.

**The intent of Title VI is to protect service recipients, not agency employees.** However, there are two exceptions to this rule.

Employees are protected **only** when

**P** employment practices result in discrimination against service recipients, or

**P** where the purpose of the federal assistance is to provide employment.



Title VII of the Civil Rights Act of 1964 covers discrimination in employment. For information about Title VII in Tennessee, contact the Equal Employment Opportunity Commission at 615-736-5820. The EEOC website is <http://www.eeoc.gov/>.



A person may be denied services or benefits for reasons other than race, color, national origin, or ability to speak English.

## ***What Kinds of Actions Are Discriminatory?***

1. Not allowing a person to have a service, opportunity or other benefit he is entitled to because of his race, color, national origin or Limited English Proficiency.
2. Giving a person a service, opportunity or other benefit that is different than others receive because of his race, color, national origin or Limited English Proficiency.
3. Providing services, opportunities or other benefits to a person separately because of his race, color, national origin or Limited English Proficiency.
4. Stopping a person from enjoying the facilities that others can visit because of his race, color, national origin or Limited English Proficiency.
5. Having rules and processes that limit participation because of race, color, national origin or Limited English Proficiency.
6. Talking to someone in a way that is disrespectful because of his race color, national origin or Limited English Proficiency.
7. Not giving a person the chance to become a member of a planning or advisory body because of his race, color, national origin or Limited English Proficiency.
8. Separating, housing, or transferring a person because of his race, color, national origin, or Limited English Proficiency.
9. Not providing free interpreters to persons with Limited English Proficiency.
10. Locating a facility in any way that would limit or hinder access to a service or benefit that receives federal financial assistance.
11. Permit discriminatory activity in a facility built in whole or in part with federal funds.
12. Requiring different standards or conditions as prerequisites for accepting a person into a program that receives federal funds, based on the person's race, color, national origin, or Limited English Proficiency.
13. Retaliating against a person who makes a Title VI complaint or a person who participates in the investigation of a Title VI complaint.



Title VI applies to sub-contractors of agencies that receive federal assistance.

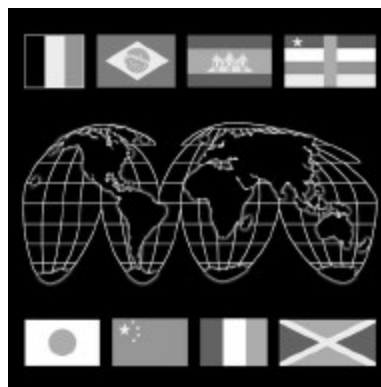
## ***Title VI Monitoring***

---

Tennessee law requires TDMHDD to report to the Governor and the General Assembly about Title VI issues every year. The report is to include updates on how agencies that contract with TDMHDD comply with Title VI. This is one reason TDMHDD must monitor agencies for Title VI compliance. Periodic review brings us all closer to the ultimate goal of successful Title VI compliance.

### ***In this part...***

- ✓ **A word about the TDMHDD Title VI Self-Survey**
- ✓ **A word about the Finance & Administration Detail Monitoring Program**
- ✓ **The Self-Survey**





**Q:** *Why is my agency being monitored for Title VI compliance?*

**A:** *Your agency is being monitored for Title VI compliance because it receives federal financial assistance through its contract with TDMHDD.*

### ***What is Title VI monitoring?***

Title VI monitoring activities may include some or all of the following major components:

1. The TDMHDD Title VI Self-Survey
2. Program and fiscal monitoring by the Tennessee Department of Finance and Administration
3. On-site visits by the TDMHDD Division of Licensure
4. On-site visits by TDMHDD for providers of developmental disability services

### ***A word about the TDMHDD Title VI Self-Survey***

The TDMHDD Title VI Self-Survey is your agency's opportunity to make the Departmental Coordinator aware of the efforts you are making in regards to Title VI. It is your chance to talk about your agency's implementation plan, policies and procedures.

### ***A word about the Finance & Administration Monitoring Program***

Agencies that contract with TDMHDD may undergo periodic program and fiscal monitoring, conducted by the Department of Finance and Administration. The compliance review covers fourteen major areas, including civil rights monitoring. Title VI is only one small part of the review, but it can have a big impact on the status of your agency's contract with TDMHDD. For more information about the Detail Monitoring Program, see the "*Tennessee Subrecipient Monitoring Manual*", available online at <http://www.state.tn.us/finance/rds/parweb/GUIDE2.html>.

# Tennessee Department of Mental Health & Developmental Disabilities

## Title VI Self Survey

Company \_\_\_\_\_ Services Provided \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Agency Title VI Coordinator \_\_\_\_\_

*Please answer all the questions on this form*

Type of Survey  
(Check One)

Initial ☐  
 Annual ☐  
 Corrective ☐

Date of  
Survey \_\_\_\_\_

### **GOVERNING BOARD**

1. What is the composition of the Advisory Group or Governing Board?

Number of White Members


Number of Non-White Members

Total Members

2. What is the composition by percent of your geographical service area?  
 (Use census numbers for the counties you serve)

Percent of white \_\_\_\_\_%

Percent of non-white \_\_\_\_\_%

3. How are your members selected? (Please check only one)

☐ Appointed

☐ Recommended

☐ Elected

4. What steps are being taken to obtain minority representation on the  
 Advisory Group or Board? (Please check all that apply)

☐ Posters

☐ Advertisements

☐ Mailouts

☐ Letters

☐ Information Packets

☐ Announcements

☐ Other: \_\_\_\_\_

Please send copies of the advertisements, announcements, information packets,  
 etc. that have been used to help your agency obtain minority representation on  
 your Board.

### **RECORDS AND COMPLAINTS**

5. Number of Title VI complaints filed during survey period.

6. Number sent to Department Coordinator within 3 days.

7. Number resolved during survey period.

8. Are all Title VI complaints kept on file? ☐ Yes

☐ No


## **CLIENTS**

9. Are new clients informed of their Title VI rights before you begin serving them?  
Yes ☐ No ☐

9. Who is responsible for informing your clients of their rights under Title VI?

---

10. How is the process informing clients documented?

---

11. What methods do you use to ensure that your clients are clearly aware of their rights under Title VI? (Please check all that apply)

- ☐ Verbally at Orientation ☐ Annual Staffing ☐ Training Films  
☐ Mail outs ☐ Brochures/Posters ☐ Home visits  
☐ Specially Adapted Training Packets  
☐ Information Packets/Client/Parent Handbook ☐ Other

13. How often are clients re-informed of their Title VI rights?

- ☐ Annually ☐ Semi-Annually ☐ Quarterly ☐ Other

14. If a client has a guardian, does the guardian receive all of the information that the client receives about Title VI rights? Yes ☐ No ☐

## **POLICIES AND CONTRACTS**

(Please include current copies of these policy statements.)

15. Does your agency have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?

YES NC

☐ ☐

16. Does your agency have written procedures for hearing and reviewing Title VI complaints?

☐ ☐

17. Does your agency have a written policy which states that courtesy titles (i.e., Mr., Mrs., Ms., Miss) will be used by staff to address clients without regard to race, color, or national origin in both oral and written communication? If no, please submit a statement of explanation.

☐ ☐

18. Do all contracts entered into by your agency for providing direct services to TDMHDD clients contain a Title VI statement of compliance?

☐ ☐



## **EMPLOYEES**

	YES	NO
19. Are new employees trained on Title VI before beginning services?	<input type="checkbox"/>	<input type="checkbox"/>
20. If no, within 60 days of beginning service?	<input type="checkbox"/>	<input type="checkbox"/>
21. What method do you use to ensure that your employees are clearly aware of their responsibilities under Title VI? (Please check all that apply)		
<input type="checkbox"/> Career Development	<input type="checkbox"/> New Employees Newsletter	<input type="checkbox"/> Information Packets
<input type="checkbox"/> In-service Policy	<input type="checkbox"/> Brochures/Posters	<input type="checkbox"/> Annual Staffing
<input type="checkbox"/> Training Films	<input type="checkbox"/> ID Employee Handbook	<input type="checkbox"/> Orientation
<input type="checkbox"/> Personnel Manual	<input type="checkbox"/> Other	
22. Does each employee's personnel file contain acknowledgement of training and penalties for non-compliance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
23. Has your local Title VI Coordinator attended an orientation?	<input type="checkbox"/>	<input type="checkbox"/>
24. Has your local Title VI Coordinator had training on Title VI requirements?	<input type="checkbox"/>	<input type="checkbox"/>
25. What additional training beyond the training offered to all employees has your Local Title VI coordinator received?		
<hr/>		
<hr/>		
<hr/>		
<hr/>		

## **FACILITY**

	YES	NO
26. Are posters containing Title VI information prominently displayed within the facility?	<input type="checkbox"/>	<input type="checkbox"/>
27. Do these posters show the name of your agency's Local Title VI Coordinator to whom complaints should be referred?	<input type="checkbox"/>	<input type="checkbox"/>
28. Are all physical areas (e.g., exits, waiting rooms, dining areas, restrooms) provided and used without regard to race, color, or national origin of clients? If not, identify the areas which are not used jointly and explain why.	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
<hr/>		
<hr/>		
<hr/>		
<hr/>		

If you provide residential or 24-hour services and you make room assignments, indicate whether you have a written policy regarding room transfers within the facility which include the following:

	YES	NO
29. The specific factors considered when processing a request for a room transfer	<input type="checkbox"/>	<input type="checkbox"/>
30. The reason for the transfer	<input type="checkbox"/>	<input type="checkbox"/>
31. The room number from which the client is transferred, and	<input type="checkbox"/>	<input type="checkbox"/>
32. The room number to which the client is transferred.	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

---

---

---

---

---

---

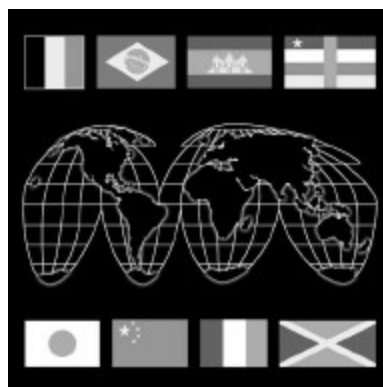
## Complaints

---

Despite your many efforts to maintain an effective Title VI program, there may come a time when you receive a complaint. This can be an opportunity to examine the strength of your agency's policy and procedures and staff training. Complaint reporting and investigation is just another arm of the Title VI program.

### *In this part...*

- ✓ Who can file a Title VI complaint?
- ✓ Where can I file a Title VI complaint?
- ✓ What if I get a Title VI complaint?
- ✓ What special forms are needed for Title VI complaints?
- ✓ Who investigates Title VI complaints?
- ✓ The right to appeal
- ✓ What if I am found in violation of Title VI?



### ***Who can file a Title VI complaint?***

Any person who applies for or receives any benefit or service provided by the Tennessee Department of Mental Health and Developmental Disabilities may file a complaint if he or she has had unfair or different treatment because of race, color, or national origin (including language barriers).

### ***Where are Title VI complaints filed?***

Title VI complaints can be filed at any of the following three levels:

**1. The Local Level**

Title VI complaints must be made in writing. The Local Coordinator has the necessary form. If you need help to complete the form, you may ask anyone you choose for help. Keep a copy for your records.

**2. The Departmental Level**

Send the completed complaint form to:

**TDMHDD Title VI Coordinator**

**Office of Consumer Affairs**

**425 5<sup>th</sup> Avenue North**

**Cordell Hull Building, 5<sup>th</sup> Floor Center**

**Nashville, TN 37243**

**3. The Federal Level**

Send the completed complaint form to:

**Office for Civil Rights**

**U.S. Department of Health & Human Services**

**Atlanta Federal Center, Suite 3B70**

**61 Forsyth Street, S.W.**

**Atlanta, GA 30303-8909**

The person making the Title VI complaint has the right to file the complaint with the federal government's Office for Civil Rights at any stage of the complaint process. When the complainant chooses this option, it becomes the responsibility of the Office for Civil Rights to review the complaint. Therefore, Local or Departmental complaint procedures will be suspended pending the outcome of an external (i.e. federal) complaint.



Title VI is a part of the Civil Rights Act of 1964.

## ***What special forms are needed for Title VI complaints?***

There are four TDMHDD forms associated with Title VI.

### **1. Complaint Under Civil Rights Act of 1964 (MH-4579)**

This form must be completed and submitted to the Title VI Local Coordinator. It includes the name and address of the person filing the complaint, the agency and/or person the complaint is against, the basis of the complaint, and the date of the alleged discrimination.

### **2. Report of Investigation (MH-4577)**

When a Title VI complaint is filed, an investigation into the alleged discrimination is made. The Local Coordinator uses this form to report the findings of the investigation. An investigative report must be attached to the form. The findings may show either:

The agency/person was found to be in violation of Title VI.

The agency/person was not found to be in violation of Title VI.

The Title VI complaint was withdrawn using Form MH-4578.

If the agency/person was found to be in violation of Title VI, the remedial action taken to ensure future compliance must be noted on this form.

### **3. Appeal From Finding (MH-4580)**

All parties involved in the complaint have the right to appeal the finding (or results) of the investigation. This form is used to ask for an appeal.

### **4. Withdrawal of Complaint (MH-4578)**

This form is used to withdraw the “Complaint Under the Civil Rights Act of 1964” (MH-4579) or the “Appeal from Finding” (MH-4580). It must include the reason for withdrawal and the signature of the person who chooses to withdraw the complaint/appeal.



**Local Coordinators should be familiar with these forms and make them available when a complaint is received.** Copies of these forms are included on the following pages.

STATE OF TENNESSEE

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

*REPORT OF INVESTIGATION*

I, \_\_\_\_\_, representing \_\_\_\_\_  
Local Coordinator Name of Facility

have investigated the complaint filed on \_\_\_\_\_ by  
Date

\_\_\_\_\_ alleging that discrimination occurred  
Name of Person with the Title VI complaint

which was in violation of the provisions of Title VI of the Civil Rights Act  
1964.

The results of the investigation were as follows:\*

- A. The agency or person was found to be in violation of Title VI.
- B. The agency or person was not found to be in violation of Title VI.
- C. The person with the Title VI complaint withdrew the complaint using Form MH-4578.

A copy of the investigative report must be attached.

**NOTE:** If the agency or person was found to be in violation of Title VI, briefly describe the remedial action taken to assure future compliance:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Local Coordinator

STATE OF TENNESSEE

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

*WITHDRAWAL OF COMPLAINT OR APPEAL  
FOR FAIR HEARING*

Date: \_\_\_\_\_

TO: DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

I, \_\_\_\_\_, hereby withdraw my ( )\*complaint

or ( )\*\* appeal, filed on \_\_\_\_\_ against \_\_\_\_\_  
Date Name of Person or Agency

located at:

\_\_\_\_\_  
\_\_\_\_\_

Person with the Title VI complaint's Name:

\_\_\_\_\_

Person with the Title VI complaint's Address:

\_\_\_\_\_

Reason for Withdrawal: \_\_\_\_\_

\_\_\_\_\_

\* Check appropriate term, Complaint or Appeal

\*\* Appeal from finding

Signed: \_\_\_\_\_

# COMPLAINT UNDER CIVIL RIGHTS ACT OF 1964

Date: \_\_\_\_\_

TO: DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

I, \_\_\_\_\_, hereby file an official complaint against  
Name of Person with the Title VI complaint

\_\_\_\_\_  
Name of Person or Agency

located at: \_\_\_\_\_

Person with the Title VI complaint's Name:

\_\_\_\_\_

Person with the Title VI complaint's Address:

\_\_\_\_\_

\_\_\_\_\_

Basis of complaint: \_\_\_\_\_

\_\_\_\_\_

Date of alleged discrimination: \_\_\_\_\_

Signed: \_\_\_\_\_

Section Below to be Completed by Department of Mental Health and Developmental Disabilities

Referred to \_\_\_\_\_ on \_\_\_\_\_ for  
Local Coordinator Date

investigation and report.

\_\_\_\_\_  
TDMHDD Coordinator



## APPEAL FROM FINDING

I, \_\_\_\_\_, wish to appeal the finding made on  
Name of Appellant

\_\_\_\_\_ by \_\_\_\_\_  
Date of Finding Name of Investigator

of ( ) Non-Discrimination or ( ) the proposed remedial action by

the agency in the Title VI complaint as filed by \_\_\_\_\_  
Person with the Title VI complaint

on \_\_\_\_\_ against \_\_\_\_\_  
Date of Filing Person or Agency

at \_\_\_\_\_ .  
Location

**Signed:** \_\_\_\_\_

**Appellant**

\_\_\_\_\_

**Address**

\_\_\_\_\_

**Date of Appeal**

## ***What if I get a Title VI complaint?***

When a service recipient or applicant has a Title VI complaint, the Local Coordinator must take the following actions:

1. The Local Coordinator at each facility is responsible for receiving, acknowledging and investigating complaints, as well as reporting the findings.
2. When a complaint is filed, the Local Coordinator must notify the TDMHDD Title VI Coordinator within 24 hours.
3. Title VI complaints must be filed in writing. Provide the form called “Complaint Under the Civil Rights Act of 1964” (MH-4579) to the person concerned about discrimination. The person filing the Title VI complaint may ask someone for help with completing the form. The person with the Title VI complaint may choose to submit a letter instead. If the person with the Title VI complaint submits a letter, the Local Coordinator must complete the form and attach the person with the Title VI complaint’s letter.
4. The Local Coordinator should make and distribute the following copies of all Title VI complaint documents:
  - 1) The person making the Title VI complaint must receive copies of all Title VI documents related to complaint.
  - 2) The Local Coordinator must retain copies of all Title VI documents related to individual complaints.
  - 3) The Local Coordinator must send copies of all Title VI documents related to individual complaints to the TDMHDD Title VI Coordinator.



***Q:*** *What if the service recipient chooses to complain directly to the TDMHDD Title VI Coordinator?*

***A:*** *When this happens, the TDMHDD Title VI Coordinator will return the complaint to the agency where it originated. Experience shows that complaints have a good probability of being resolved at the level where they arose. Unless an external complaint is being filed (at the federal level), all Title VI complaints must first be filed at the local level.*



Public Chapter 502 of the Tennessee Code specifies how Title VI is to be complied with by departments within state government.

## ***Who investigates Title VI complaints?***

When the Local Coordinator receives a Title VI complaint, a complete fact-finding investigation will be conducted within thirty (30) days of receipt of the complaint and the findings reported to the facility or agency director, and to the TDMHDD Title VI Coordinator.

If the report includes a finding of violation of Title VI, the facility must include any proposed remedial action in the report to the TDMHDD Title VI Coordinator (MH-4577).

Within five (5) calendar days after this report, the written findings will be given to the person filing the Title VI complaint, along with notification of the right to appeal.

## ***The Right to Appeal***

If the person with the Title VI complaint chooses to appeal the original decision, the “Appeal from Finding” form (MH-4580) is completed and sent to the TDMHDD Title VI Coordinator. This is the second level in the Department’s complaint system.

When a finding is appealed from the local level to the TDMHDD Title VI Coordinator, a copy of the complaint, the findings, the proposed action, and the request for appeal must be forwarded from the Local Coordinator to the TDMHDD Title VI Coordinator within ten (10) calendar days.

The TDMHDD Title VI Coordinator must conduct and complete fact-finding within thirty (30) calendar days after receipt of the appeal and convey the findings, in writing, to the concerned parties.

If at this point, the person making the Title VI complaint feels that a satisfactory resolution still has not been achieved, the option of appealing to the federal level is available. The TDMHDD Title VI Coordinator is available to assist with this process.



Title VI does not prohibit discrimination based on gender.

## ***What If My Agency Or Its Employee Is Found In Violation Of Title VI?***

Agencies that contract with TDMHDD must have policies and procedures in place to address disciplinary actions when an employee is found to be in violation of Title VI. Depending upon the degree of discrimination, the employee may be subject to progressive discipline. A verbal reprimand may be given for the first offense. A written reprimand may be placed in the employee's personnel file for the second offense. Suspension without pay (for one day up to as many as 30 days, depending on the violation) may be issued for the third offense. A fourth offense should be considered as sufficient grounds for dismissal.

If agency-wide problems in compliance exist, the TDMHDD Title VI Coordinator will counsel the Local Coordinator.

If serious problems in compliance are found, the Department of Finance and Administration will file an exception report with the Title VI Task Force, and procedures for correcting noncompliance will be given to the contracting agency. The Title VI Task Force will provide such technical assistance as necessary to help the agency preserve its contract. The Department's Coordinator will then submit a report, based on the summaries to the Department of Finance and Administration.

Failure to correct noncompliance will be considered a violation of the terms of the contract and a basis for contract suspension, termination.



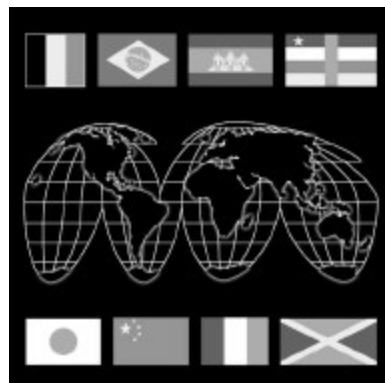
Title VI protects all persons in the United States, regardless of citizenship.

## *Technical Assistance*

---

*In this part...*

- ✓ **Needs Assessments**
- ✓ **Assistance with Complaints**
- ✓ **Training**
- ✓ **Supplies**



## ***Needs Assessments***

From time to time, TDMHDD will conduct various needs assessments among its contracting agencies. By surveying your needs in areas like training, technical assistance and Limited English Proficiency, the TDMHDD Title VI Coordinator can develop resources to help agencies meet the goal of Title VI compliance.

## ***Assistance with Complaints***

The TDMHDD Departmental Coordinator can assist you with Title VI complaints. Assistance provided includes:

- ✓ instruction regarding how to conduct fact-finding investigations
- ✓ help to file complaints on a federal level
- ✓ help to develop a plan to bring your agency back into compliance following a Title VI violation

## ***Training***

The TDMHDD Departmental Coordinator periodically conducts Title VI training for Local Coordinators across the state. Agencies that contract with TDMHDD receive this training at no cost.

## ***Supplies***

TDMHDD provides Title VI supplies to contracting agencies without charge. In addition to “Title VI For Local Coordinators”, we also provide “Equal Opportunity Is The Law” posters and brochures.



Remember, the TDMHDD Title VI Coordinator is always available to assist you with any concerns you may have about your Title VI program, including your implementation plan, policies and procedures, complaints, and more. Call us at 1-800-560-5767.

## ***Resources***

---

There may come a time when you need to consult other programs or agencies about Title VI. There are many excellent resources available.

### ***In this part...***

#### **U.S. Department of Health & Human Services**

Office for Civil Rights, Region IV

#### **U.S. Department of Justice**

Civil Rights Division

#### **Tennessee Department of Finance and Administration**

Division of Resource Development and Support

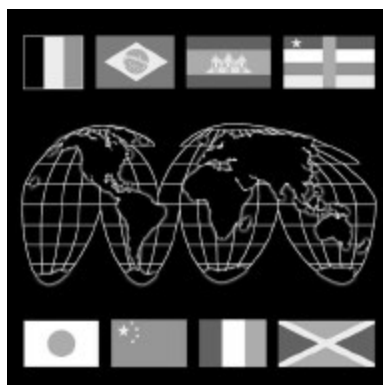
#### **Tennessee Human Rights Commission**

#### **Center for Business and Economic Research**

College of Business Administration

The University of Tennessee

#### **U.S. Census Bureau**



***U.S. Department of Health & Human Services  
Office for Civil Rights, Region IV***

Roosevelt Freeman, Acting Regional Manager  
Atlanta Federal Center, Suite 3B70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8909  
Voice Phone: (404) 562-7886  
Fax: (404) 562-7881  
TDD: (404) 331-2867  
Website: <http://www.hhs.gov/ocr>

***U.S. Department of Justice  
Civil Rights Division***

P.O. Box 66560  
Washington D.C. 20035-6560  
Voice Phone: 1-888-Title06  
TDD: (202) 307-2678  
Website: <http://www.usdoj.gov/>

**Tennessee Department of Finance and Administration  
Division of Resource Development and Support**

Paul Stewart, Middle TN 2 Regional Director  
William R. Snodgrass Tennessee Tower  
12th Floor  
312 8th Avenue, North  
Nashville, Tennessee 37243  
Voice Phone: (615) 741-8276  
Fax: (615) 532-2989  
Website: <http://www.State.tn.us/finance/rds/parweb/PARHOME2.html>

**Tennessee Human Rights Commission**

Kimberly Bandy, Title VI/Federal Funds Coordinator  
530 Church Street, Suite 400  
Cornerstone Square Building  
Nashville, TN 37243-0745  
Voice Phone: 615-741-5825  
Fax: 615-532-2197  
Website: <http://www.State.tn.us/humanrights/>



**Center for Business and Economic Research  
College of Business Administration  
The University of Tennessee**

Glocker Building, Suite 100  
Knoxville, Tennessee 37996-4170  
Voice Phone: (865) 974-5441  
Fax: (865) 974-3100  
Website: <http://cber.bus.utk.edu/>  
.Tennessee demographics data .

**U.S. Census Bureau**

United States Department of Commerce  
Washington DC 20233  
Voice Phone: (301) 457-4608  
Website: <http://www.census.gov/>

**AT&T Language Line**

1-800-752-0093, ext. 196  
[www.language.com/intrpt](http://www.language.com/intrpt) overview.php3